GRS IX-5]

Previous references.

Mem 364-22-1 6
" 443 20 1-2
" 28-19-1 3
" 433-17-1-2
" 282-12-1-11
" 160-04-
" 155-23-
Later references.

(1923 Mem.)

File No.

Serial Nos.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for July 1924.

SUBJECT

Memorial dated 13 5 24 from coffee planter Mr C Srinivasa Rao praying for reconsideration of G O dated 5-1-24 re sanctioning Rs 2000/- in full settlement of his claim

No 160 dated 28 7 24 To the Memorialist

Govt are not prepared to reconsider the order already passed.

G. R S. 11] 1912 23 - 24

GENERAL AND REVENUE SECRETARIAT.

(Mem)

NOTES.

File No. 316-23

FILE HEADING.

Memorial of Coffee Planters Mr. C. Srinivasa Rau regarding inadequacy of the compensation amt. allowed him by Govt.

From Pte. Secy. to His Highness the Maharaja

~~Mr. C. Srinivasa Rau Coffee Planter~~

No. 3180 Dated 24-6-24 Received 26.6.24

Diary No. 2871 Enclos. 1 Spare Copies. - Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards Mr. C. Srinivasa Rau's memorial praying that the G.O. No. 1647-87 Mem 364-22-6 of 13.5.24 may be cancelled and a compensation amt. of 15,000 Rs may be granted to him in lieu of 2000 Rs now allowed to him.

NOTES AND ORDERS.

1) The history of the case is given in the Second Members Final note dated the 16th Nov. 1923 in Mem File 364-22 and the recommendation made in para 6 thereof that a compensation of 2000 Rs might be paid to Mr. Srinivasa Rau on passing appeal by His Highness.

2) Order No. 1647-87 Mem 364-22-6 of 13.5.24

Muzrai Secretariat | Muz. File No. 314 of 1923.

Serial No.

Who accordingly issued.

3) Mr Sriniwasalu has now memorialised H.H. Highness for a cancellation of the order in question & for a compensation of Rs 15,000 being given him.

4) Submitted for orders with Cover?

References

24
26/6/24

D/ 26.6.24.

563/30-6

220 member).

5) A sum of Rs 2000/- was sanctioned by Mr Srinivasachar, now an ex-M.L.A. as recommended by Government as an act of grace, after obtaining an undertaking from him that he would accept it in full settlement of his claim & that he would not thereafter make any further demand but would have no claim against Government in this matter and also agree to withdraw his memorial asking for a compensation of Rs 15000/-. He has been dealt with accordingly. If the order of sanction of the Dewan, he may please issue the necessary proposed to reconsider his order already passed by them after a fresh consideration of all the facts of the case.

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

Dewan of Cochin 19/7

D/ 22/7/24 Rs 2000 21/7 21/7

The Palace,

Mysore.

26 JUN 1924
MUZRAI

24th June 1924.

Dno. 2371.

Muzrj. 314-23-1.

Memorial dated 20th/22nd June 1924 from Mr. Srinivasa Rao, Coffee Planter, Chickmagalur, praying for compensation for the Herekhan Mutt lands, is forwarded, with compliments, to the Dewan of Mysore, Bangalore, for favour of disposal.

By Order.,

Mirza M. Ismail

Private Secretary.

4. In 1901, however, one Puttaswami, the then Agent of the M under the Government complained to Government of the alienatio favour of the petitioner

OFFICE OF THE PRIVATE SECR
1127

TO

HIS HIGHNESS

Col. Jiy Syee Krishna Raja Wodeyar Bahadur

G.C.S.I., G.B.E.,

Maharaja of Mysore,

MYSORE.

May it please your Highness,—

THIS humble petition, of C. Srinivasa Rao, Coffee Planter, Chikkamagalore, for a review of the orders of the Government of Mysore, passed on dated 26-2-1918 *Re.* the award of compensation by reason of the Government depriving the humble petitioner of the possession of a coffee estate, fully described in the schedule hereto annexed.

Most respectfully and loyally showeth :—

1. In 1866, the Head of the Bisagni Mutt mortgaged with possession for Rs. 30,000 the schedule property, with some other lands, to one Ele Mallappa Setty, which by transfer and inheritence, devolved upon this humble petitioner in the year 1881. And although, in the year 1880, the claim of the said Mutt to the said property was disallowed by the Inam Department, the Government in 1884 confirmed the said properties in favour of the Mutt, subject to the rights of inferior holders In the year 1887, under an agreement between the petitioner and the then Head of the Mutt, the schedule property only was settled on the petitioner as a permanent lessee, subject to the payment to Government of quit rent due thereon and also to a yearly payment of Rs 25 to the Mutt as Dasara expenses. This arrangement was made known to the Government during the survey settlement in 1887 and the Settlement Officer approved of the arrangement. From 1887 onwards, the petitioner went on paying a sum of Rs. 37-8 0 as quit rent direct to Government, who accepted the same.

2. In 1892, the Head of the Mutt died and the then Amildar, in reporting the financial condition of the Mutt, recognised the petitioner as the holder of the schedule land, liable only to a yearly payment of quit rent of Rs. 37-8-0 to Government and Rs. 25 to the Mutt; and the Government in their order dated 30th April 1893 approved of this arrangement.

3. Even before the Swami died in 1892 the estate of the Mutt was under the management of Government, which management continued even afterwards. The petitioner, however, continued to be in possession of the schedule land as theretofore and was carrying on coffee cultivation on them and making the above said payments in favour of the Government and the Mutt.

4. In 1901, however, one Puttaswami, the then Agent of the Mutt Estates under the Government, complained to Government of the alienation made in favour of the petitioner, which alienation he contended as unauthorised; he, with some motive, did not set forth a full and accurate history of the rights of the petitioner. The Government also, without considering all the facts, ordered a notice to issue to the petitioner under clause (b) Rule 2 of G. O. dated 17th Nov. 1877, to restore the lands to the possession of the institution to which they belonged and, if the same were not complied with the lands should be summarily resumed by Government and restored to the institution. Thereupon the Deputy Commissioner passed his order No. 2962 dated the 31st May 1906, which was followed by an order from the Amildar No. 1579 dated the 9th June 1906, directing the petitioner to immediately give up possession of the schedule lands. The petitioner was thus obliged to do so. As above stated the Government was then in the management of the Mutt estates and continued to do so until 1910, when as per G. O. No. 1545 Muz. 127-10-2 dated 17th Feb. 1910, the possession and management of the Mutt estates, including the schedule lands which were in possession of the petitioner, were handed over by Government to the Head of the Mutt. Accordingly from 1906 onwards the petitioner ceased to pay the yearly quit rent to the Government or the Rs. 25 to the Mutt, nor has the Government or the Mutt demanded from him the said amounts. There was thus a complete dispossession of the petitioner's schedule property.

5. The petitioner began to petition the Government and, by proceedings dated the 9th June 1916, the Government of H. H. the Maharaja graciously directed the cancellation and withdawal of their order dated the 15th May 1906, thus vindicating the petitioner's claim to the schedule property.

6 The petitioner then by a petition dated 22nd February 1918 prayed that a compensation of about Rs. 15,000 was due to him for a period of ten years, in consequence of the order of Government of May 1906, which was not cancelled until June 1916. The Government in their proceedings dated 26th February 1918 granted an endorsement to the petitioner on the above petition, to the effect that, unless evidence was produced of dispossession as due to any order of Government, Government were unable to entertain any claim for damages and if the mutt servants acted in any manner prejudicial to the interests of the petitioner, redress was to be sought in the Civil Courts.

The decision laid down in Leigh *vs* Jack and other cases is that in all cases of dispossession, it is necessary to look at the position in which the former owner stands towards the land, as well as to the acts done by the alleged dispossessor. Dispossession occurs where a person comes with possession and another goes out of it. The true test is whether an ejectment suit will lie against the alleged dispossessos

In the preseut case, the simple facts are:—there was a mortgage of the Mutt properties with possession eventually in favour of the petitioner, and under an agreement with the Head of the Mutt and with the later concurrence of the Government. this mortgage was converted into a permanent lease in favour of the petitioner of a smaller portion (100 Acres, of the entire property; and it was in the year 1887, that Government took up management of the Mutt properties *minus* the petitioner's portion and was managing the same through the *Mutt Agents* from a time prior to 1892 up to 1910.

In the meanwhile, upon the Mutt Agent's complaint Government ordered the petitioner in the year 1906 to give up possession of the lease-hold properties in favour of the Mutt; *and this was during the continuance of the Government management of the Mutt properties through its agent* and ever since that date the petitioner *has not paid* the quit rent due to Government or the Aradhana Kanike of Rs. 25 to the Mutt, and there was no demand made by either party on the petitioner for the said payments as the petitioner was out of possession. As a matter of fact, ever since the date of the Government Order in 1906 and up to the year 1910 when the Government handed over the management to the Mutt, the Government was managing the petitioner's lands also for the Mutt and handed over the same in the year 1910 to the Mutt, which has been enjoying it since then. There need be nothing more to constitute dispossession.

Any suit for ejectment against the Mutt or its Agent in the year 1906 or afterwards would have completely failed by reason of the Government Order passed in 1906, peremptorily ordering the petitioner to restore possession to the Mutt.

The petitioner has been very modest in his claim for damages. Any Coffee Planter would be able to say at once that the amount claimed as damages by the petitioner is a very moderate and reasonable one. The Government in their order No. 884/ Muz. 364 24-4, dated, Bangalore, 5th January 1924 sanctioned only a sum of Rs. 2,000 to me as an act of grace, in full settlement of my claim, if I received the same before the 15th January 1924.

In these circumstances the petitioner most humbly prays that the order of Government be reviewed and justice be graciously done to the petitioner.

The schedule properties are :—

Survey No.	Extent.	Assessment
325	42-7	63 0 0
326	46-17	70 0 0
327	3-22	5 4 0
343	19-22	29 8 0
	111-30	167 12 0

I beg to remain,
Your Highness' most obedient
and loyal servant,

Coffee Planter.

Muz 4]

SUBJECT ....

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... .

Diary No. of letter replied to _____

Muzrai Secretariat

( )

. *the* *192* .

Section

File No.

Serial No.

No. 160

Date of issue 28.7.24

Signed by Jon T.R.

To

Endorsement granted to Mr C. Srinivasa Rao, Coffee-planter, Chickmagalur, with ref. to his review memorial regd. no. 2371 praying that on a cancellation of G.O. no. 1647-8/Muz. 364-22-6 dt 13-5-1924, a compensation amounting to Rs 15,000/- in all

over.

G.O. No. 1647-87 Muz 364-22-6 Dt 13-5-24 Sanctioning a sum of 2000 Rs to this master Cancelled and that

granted to him in respect of Bisapria mali lands, ~~in lieu of Rs 2000/- now allowed~~.

Mr C. Srinivasa Rao is informed that Govt are not prepared to reconsider the orders already passed by them after a full and careful consideration of all the facts of the case. His ~~review~~ memorial is accordingly rejected.

By order

24/7/24

(W.D.) Rev. Secretary.

List of enclosures

Memo No 161

Copy to the Mem. Collr in cntn. of S.O. No 1647-8 dt 13-5-1924.

Copied by

Examined by

WD 0563- GPB -2 500—27 7 22

B-C

24/7/24

(W.D.) Rev. Secretary.